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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MILLERSPORT, INC.

Petitioner,

v.

GENERAL SPORTCRAFT COMPANY LTD.

Registrant.

November 18, 2002

Cancellation No.:

Registration No.: 1,198,083

Registration Date: June 15, 1982



PETITION FOR CANCELLATION

11-20-2002

U.S. Patent & TMO/c/TM Mail RcptDt. #01

Petitioner, MILLERSPORT, INC., a New York corporation located and doing business at 1 Commercial Court, Plainview, New York 11803-1600, believes that it is or will be damaged by Registration No. 1,198,083, and hereby petitions to cancel same.

Description of registrant's registration: Filed on April 13, 1981 for the mark SCORE in typed form, registered on the Principal Register, in International Class 028, prior U.S. Class 022, for "ATHLETIC BALLS — NAMELY, SOCCER BALLS, BASKETBALLS, VOLLEY BALLS, TETHER BALLS AND MULTI-USE ALL RUBBER ACTION BALLS FOR INDOOR AND OUTDOOR USE", claiming first use on November 21, 1980.

Current owner of registration: To the best of petitioner's knowledge and belief, the current owner of the above-identified registration is General Sportcraft Company Ltd., whose address is 140 Woodbine Street, Bergenfield, New Jersey 07621.

As grounds for this petition, it is alleged that:

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1. Petitioner provides "balls and other sports equipment for baseball, football, basketball, soccer, tennis, golf, hockey; playground balls and other balls, outdoor games and toys, indoor games and toys" under the mark SCORE in typed form.

2. Petitioner was the applicant of U.S. trademark application Serial No. 76/403,290, filed May 2, 2002, for the mark SCORE in typed form for "athletic balls — namely, soccer balls, basketballs, volley balls, tether balls and multi-use all rubber action balls for indoor and outdoor use."

3. The aforementioned application Serial No. 76/404,290 for the mark SCORE in typed form, by petitioner, has been refused as likely to cause confusion, or to cause mistake, or to deceive, in view of registrant's aforementioned registration No. 1,198,083.

4. Upon information and belief, registrant has abandoned said registered mark by discontinuing use of said mark with no intent to resume said use.

5. Petitioner is likely to be damaged by continuance on the register of said registration No. 1,198,083 as petitioner presently intends to use the mark SCORE in typed form for "athletic balls — namely, soccer balls, basketballs, volley balls, tether balls and multi-use all rubber action balls for indoor and outdoor use," and petitioner's ability to obtain its own registration of this mark is being impaired and the continuance of petitioner's legal use of said mark will be impaired by the continued registration of said abandoned mark of registrant.

POWER OF ATTORNEY

Petitioner hereby appoints Myron Amer, Registration No. 18,650, who is a member of the firm of Myron Amer, P.C., a professional corporation, whose business address is 114 Old Country Road, Suite 310, Mineola, New York 11501, Telephone Number (516) 742-5290, to prosecute this cancellation, and to transact all business in the Patent and Trademark Office in connection with this matter.

WHEREFORE, petitioner prays that registration No. 1,198,083 be cancelled and that this PETITION FOR CANCELLATION be sustained in favor of the petitioner.

Respectfully,

MYRON AMER, P.C.
Attorney for Petitioner

By: *Myron Amer*
Myron Amer
Reg. No. 18,650

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Dated: November 18, 2002

N.B.: Enclosed is the prescribed fee of \$300

Trademarks\3936-1.Petition for Cancellation